



City of Granite City

Building and Zoning Dept. 2060B Delmar Granite City, IL 62040 Phone:(618) 452-6218 FAX:(618)452-6246

Plan Commission Minutes

January 6, 2011

CALL TO ORDER

Chairman Sharon Ryan called the meeting of the Plan Commission to Order on Thursday, January 6, 2011 at 7:00 PM.

PLEDGE and SWEAR-IN

The Pledge of Allegiance was recited and those present in the audience were sworn in. The Chair explained the Plan Commission is a recommending body to the City Council and the Council will make the final determination at the next City Council meeting scheduled for January 18, 2011.

ATTENDANCE/ROLL CALL

Members Present: Sharon Ryan, Mary Jo Akeman, Jack Taylor, Shirley Howard, Don Luddeke, Frank Greathouse, Mark Davis, John Janek, Nick Ryan and newly appointed Peggy Cunningham. Excused absence: Sandy Crites.

Also present were: Assistant City Attorney Laura Andrews, Alderman Dan McDowell, Alderman Jim Smith and Zoning Administrator Steve Willaredt.

MINUTES / AGENDA

A motion to approve the Minutes from the previous meeting this evening's Agenda was made by John Janek and seconded by Don Lueddeke. Voice Vote. All ayes. Motion carried by unanimous consent.

COUNCIL REPORT

No report.

PETITION: 1731 Maple

The Zoning Administrator, Steve Willaredt, distributed three color photographs of the property at 1731 Maple (Attachment A, available upon request).

Mr. Todd Sivia, Attorney for Petitioner, and Donna Harvey were introduced. Assistant City Attorney Laura Andrews stated, as a matter of procedure, Elizabeth Howard is to be added as a co-Petitioner. Elizabeth Howard is the daughter of Donna Harvey; both reside at 519 Franklin, Troy, Illinois.

Mr. Sivia explained Donna Harvey purchased the property in February of 2008 for her daughter and listed her daughter as owner. The daughter did move in and at some point in time moved out. Instead of Mrs. Harvey renting the property out, she simply had the utilities shut-off and maintained the property herself (Attachment B, submitted by Attorney Sivia, one page of five photos, available upon request). Because she did this, and the utilities were off for 2 months, she put herself in a predicament. Mr. Sivia stated per City Ordinance, if utilities are off more than 21 days, the Mobile Home has to be moved off the property (Section 7-350 "C") and that is why they are present this evening requesting an exception (petitioning for a Special Exemption Permit). Mr. Silva remarked without the Mobile Home on the property, his client would be left with a vacant lot that would not be worth much financially. He stated the property is well maintained and is not derelict. At one point there was a grass issue and Mrs. Harvey remedied it at once. He mentioned his client has three potential buyers for the lot with the Mobile Home.

The Chair asked the Zoning Administrator to discuss the situation. He stated what had transpired was a Home Sale Permit was issued to Donna Harvey by his office on April 6, 2010 permit number 1000982.

At that time, the Home Sale Permit consisted of an Electrical Inspection only (presently two inspections are required: Electrical & Building). The Department had a new computer system and it was not programmed to "flag" a residence as a Mobile Home. Per Ordinance, the sale of a Mobile Home requires four inspections: Building, Electric, Mechanical and Plumbing. Neither the Electrical Inspector, nor the Clerk that sold the permit were aware that 1731 Maple was a Mobile Home Residence. Mr. Willaredt stated had his Department known the location was a Mobile Home, a full B.E.M.P would have been sold. Consequently, Mrs. Harvey went before the City Council to speak and the Council referred her back to the Plan Commission and that is where we are today.

Discussion Followed. The Chair asked the Assistant City Attorney if there is a provision in the Mobile Home portion of the Zoning Ordinance for a Special Exemption. The Attorney replied, not specifically, she stated that in June of 2008, the Mobile Home Ordinance was significantly revised. Basically, All Mobile Homes are considered Non-Conforming Uses. If a Mobile Home is already there, it can stay as long as the Mobile Home is occupied and the utilities are "on" the whole time. That became effective August 1, 2008. It was determined the Mobile Home was vacated in September/October of 2009, over a year ago. Subsequently, Ms. Andrews sent Mr. Sivia, an application for a Petition for Special (nonconforming) Exemption Permit which was completed.

Continued Discussion. John Janek suggested placing a stipulation on the Permit should it be granted. The noted requirements being:

- 1) Clean it up and make the Mobile Home more presentable.
- 2) The Mobile Home should be totally in repair and pass every inspection.
- 3) Allow sale of property with the stipulation that whoever buys the Mobile Home must live in it and cannot sell it.

The Zoning Administrator mentioned the Mobile Home 21-day-clause which would allow this buying/selling to go on and on. The Assistant City Attorney stated you can certainly make the recommendation to the Council, and the Circuit Court for that matter, but it does not mean they will approve. Also, the stipulation for a potential new buyer not being allowed to sell the Mobile Home will certainly lower the sale price of the property. The Chair stated this Special Exemption Permit, if granted, will only be in effect until she sells the property. The buyer would then be required to come before the Commission and ask for an exemption. The Chair did not believe that would be legal. She stated if the property sells, there would be no permit to let them occupy the property and if you sell the Mobile Home, no one will want to buy it and move it. The Zoning Administrator stated his understanding is Mrs. Harvey is asking for a Special Exemption Permit for the Mobile Home to remain there, so when she sells it, the Buyer can leave the Mobile Home on this particular parcel. The Permit will not expire with new ownership.

Mr. Sivia stated he wished to simplify his request, all he is asking for is to be allowed to turn on the water and make it a conforming use. The Commission disagreed, the nonconforming reason is because it has been vacant for a long period of time. Mr. Silva stated that is his argument.

Jack Taylor stated the Mobile Home is inconsistent with the brick structures in the neighborhood. Mary Jo Akeman said the whole intent of the Mobile Home Ordinance is to get rid of Mobile Homes in residential neighborhoods with empty lots so people would not bring in Mobile Homes and to encourage construction of conforming buildings. Mr. Sivia addressed the number of abandoned buildings in the area. Mary Jo stated the City has tried to cause the least trauma possible on people that own and live in Mobile Homes by allowing them to stay and make repairs. Mr. Sivia commented his client would be willing to obtain any inspections required, they thought they were completed. If there are any remaining inspections, they are willing to comply. Mrs. Harvey stated everything inside has been remodeled. Mary Jo Akeman said the Mobile Home is not occupied, the City is not kicking anyone out. Her daughter moved out more than a year ago, which is way more (vacant) time than the Ordinance calls for. No further discussion or comments.

MOTION by Mark Davis and seconded by Frank Greathouse to deny the Petition for the Nonconforming Special Exemption Permit for 1731 Maple. Roll Call vote: 9 yes. 1 No

NEW BUSINESS

The Zoning Administrator recommended and requested the Plan Commission introduce a new provision to Section 9-100 of the City Ordinance, establishing procedure for absences at Board of Appeals meetings. With use of wording similar to the Plan Commission Section 9-200, specifically, **9.235 Absences** as follows:

"Three consecutive absences without excuse will be deemed to constitute a resignation. The Mayor will immediately replace the member with a new appointee to fill out the term of such member."

MOTION by Mary Jo Akeman and seconded by Jack Taylor to accept the recommendation of the Zoning Administrator to establish procedure regarding absences with the Board of Appeals meetings, with use of wording similar to the Plan Commission regarding absences (Section 9.235) . Voice vote. All ayes. Motion passed unanimously.

The Assistant City Attorney agreed to add language to Zoning Ordinance 3818 Board of Appeals Section 9-100.

UNFINISHED BUSINESS

Review of Article 6. The Zoning Administrator referred to a letter dated March 25, 2010 by the Assistant City Attorney notifying the Commission that although Article 6 of the Zoning Code was passed by the Plan Commission, the City Council objected to Section 6-330 which required all driveways to be paved, therefore, that Section was removed in its entirety. Final review and passage was discussed. The Commission agreed to remove Section 6-330 as well as the following:

- 1). Removal of the word "said" in Section 6-260 (Landscaping) as unnecessary.
- 2). Remove italicized words throughout the Draft. The italicized words were "Additions" to the Draft.

MOTION by Mary Jo Akeman and seconded by John Janek to accept the revisions to Article 6 of the Zoning Ordinance. Roll call vote. All ayes. Motion carried by unanimous consent.

No further Business discussed.

Motion to Adjourn by John Janek and seconded by Mary Jo Akeman. All ayes.

Respectfully submitted,

Barbara Hawkins

Recoding Secretary
Plan Commission

PLAN COMMISSION ADVISORY REPORT

Hearing Date: January 6, 2011

PETITIONERS: Donna Harvey, Elizabeth Howard and Attorney for the Petitioners, Todd Sivia
Location of Property: 1731 Maple
Nonconforming Special Exemption Permit to maintain a Mobile Home as Residence

MOTION by Mark Davis and seconded by Frank Greathouse to Deny the Petition request for Special Exemption Permit for property at 1731 Maple.

Roll Call

| | | | |
|--------------------|-----|------------------|-----|
| Chair, Sharon Ryan | Yes | Mary Jo Akeman | Yes |
| Mark Davis | Yes | Frank Greathouse | Yes |
| John Janek | No | Shirley Howard | Yes |
| Don Luddeke | Yes | Jack Taylor | Yes |
| Nick Ryan | Yes | Peggy Cunningham | Yes |

Roll Call Vote: Motion Carried to deny the Petition Request to maintain a mobile home as residence.
9 in favor of deny
1 against the denial

MOTION by Mary Jo Akeman and seconded by Jack Taylor to accept the recommendation of the Zoning Administrator to add the following language to Zoning Ordinance #3818, Board of Appeals, Section 9-100 as follows:

Three consecutive absences without excuse will be deemed to constitute a resignation. The Mayor will immediately replace the member with a new appointee to fill out the term of such member.

Voice Vote. All ayes. Motion carried by unanimous consent.

MOTION by Mary Jo Akeman and seconded by John Janek to accept the revisions to Article 6 of the Zoning Ordinance #3818.

- 1) Removal of Section 6-330 in its entirety- Paved Driveways
- 2) Removal of word "said" in Section 6-260 Landscaping
- 3) Removal of all italicized words throughout the draft

Roll Call

| | | | |
|--------------------|-----|------------------|-----|
| Chair, Sharon Ryan | Yes | Mary Jo Akeman | Yes |
| Mark Davis | Yes | Frank Greathouse | Yes |
| John Janek | Yes | Shirley Howard | Yes |
| Don Luddeke | Yes | Jack Taylor | Yes |
| Nick Ryan | Yes | Peggy Cunningham | Yes |

Roll Call Vote: Motion carried by unanimous consent.